

REMARKS

Claims 1-32 are pending in this application, with claims 23-32 having been withdrawn from consideration.

REJECTIONS UNDER § 102

Claims 1, 4, and 20-22 were rejected under § 102(e) as being anticipated by WO 2004/035122 (“WO ’122”). Applicants submit herewith a Declaration under Rule 132 to establish that the inventors identified in the WO ’122 patent application publication are the same as the inventors of the present application. As such, the WO ’122 patent application publication is disqualified as an anticipatory reference because it is not an application for a patent filed by “another” within the meaning of 35 U.S.C. § 102(e).

For at least these reasons, Applicants respectfully submit that the rejections of claims 1, 4, and 20-22 are overcome and withdrawal of these rejections is requested. By overcoming the rejections of the base independent claims, the objections to dependent claims 2, 3, and 5-19 are also overcome.

CONCLUSION

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is invited to contact Applicants’ representative to discuss any issue that would expedite allowance of this application.

The Commissioner is authorized to charge all required fees, fees under § 1.17, or all required extension of time fees, or to credit any overpayment to Deposit Account No. 11-0600 (Kenyon & Kenyon LLP).

Respectfully submitted,

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